IN RE: PETITION FOR ADMIN. VARIANCE

E/S Mallow Court, 350' S of

the c/l of Haycake Road

(9 Mallow Court)

11th Election District
5th Councilmanic District

Joseph J. Bishop

Petitioner

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 95-16-A

*

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 9 Mallow Court, located in the vicinity of Perry Hall in northeastern Baltimore County. The Petition was filed by the owner of the property, Joseph J. Bishop. The Petitioner seeks relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard. The subject property and relief sought are more particularly described on the site plan submitted with the Petition filed and marked as Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affida-

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ORDER RECEIVED FOR FILING

vits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date
Sy

MILINATIONED

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 17, 1994

Mr. Joseph J. Bishop 9 Mallow Court Baltimore, Maryland 21236

RE: PETITION FOR ADMINISTRATIVE VARIANCE

E/S Mallow Court, 350' S of the c/l of Haycake Road

(9 Mallow Court)

11th Election District - 5th Councilmanic District

Joseph J. Bishop - Petitioner

Case No. 95-16-A

Dear Mr. Bishop:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

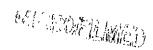
Deputy Zoning Commissioner

for Baltimore County

TMK:bjs

cc: People's Counsel

F/11e







75-16-A to the Zoning Commissioner of Baltimore County

for the property located at

ESTIMATED POSTING DATE: 7-31-94

MALLOW COURT
which is presently zoned

ITEM #: //o

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 - To permit an accessory structure (accessor) to be located in the side yard in lieu of the required rear yard. Pool uca

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) (1) A WOODED AREA OF TREES TAKES UP APPROXIMATELY 151 OF SPACE ON A HILL SLOPING DOWN TO A SWALE FROM PROPERTY LINE TOWARDS THE BACK OF DWELLING. (LEAVING NO ROOM FOR BUILDING ANYTHING.) 2) THERE IS A SWALE RUNNING THROUGH THE MIDDLE OF THE BACK YARD TOWARDS THE UTILITY STORM DRAIN LOCATED ON PROPERTY THAT CANNOT BE REGRADED OR BLOCKED OFF BY A SWIMMING POOL ORANY OTHER STRUCTURE THAT WOULD BE GROUND LEVEL . (3) PROPERTY IS LOCATED IN A CULDESAC WITH THE HOUSE SITUATED ON A PECULIAR ANGLE COMPARED TO OTHER PROPERTIES IN THE ZONING DISTRICT. A THE MAJORITY OF SPACE ON OUR PROPERTY IS OFFICIALLY THE SIDE OF THE HOUSE WHICH APPEARS TO BE THE BACK YARD IN CONTRAST WITH OTHER PROPERTIES. Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Patition.
Contract Purchaser/Lessee:			Legal Owner(s):
			MR. JOSEPH J. BISHOP
(Type or Print Name)			(Type or Print Name)
Oleratus			Storature Storature
Signature			Offination
Address			(Type or Print Name)
City	State	Zipcode	Signature
Attorney for Petitloner:			9 MALLOW COURT (410)256-8107
(Type or Print Name)			9 MALLOW COURT (410)256-8107 Address Phone No.
			BALTIMORE, MD. 21236 City State Zincode
Signature,			Name, Address and phone number of representative to be contacted.
			MR. JOSEPH J. BISHOP
Address	Phone	No.	MR. JOSEPH J. BISHOP NAME OF MALLOW COURT (410) 256-8107
City	State	Zipcode	Address WORK (301) 258-3834
	is petition be set for a publ	lic hearing , advertised, c	red by the Zoning Commissioner of Baltimore County, this day of, 19, is required by the Zoning Regulations of Baltimore County, in two newspapers of general
			Zoning Commissioner of Baltimore County

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

	testify thereto in the event that a public hearing is scheduled in the future with regard thereto,
	That the Affiant(s) does/do presently reside at 9 MALLOW COURT
	BALTIMORE, MD. 21236
	City State Zip Code
	That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)
D	MY BACK YARD HAS A UTILITY EASEMENT AND STORM DRAIN REQUIRING A LARGE SWALE
	RIGHT THROUGH THE MIDDLE OF MY BACKVARD TO ALLOW FOR PROPER WATER FLOW.
D	NO CONTRACTOR WILL BUILD ANY GROUND LEVEL STRUCTURE BEHIND OUR HOUSE
	BECAUSE OF THE SWALES AND HILLS LEQUIRED FOR PROPER WATER FLOW.
3)	
	THAT ALLOWS FOR THAT IS THE REAR SIDE OF MY HOUSE.
4)	MY HOUSE IS LOCATED ON A CULDESAC AND IS SITUATED ON A PECULIAR ANGLE
_	
	IN CONTRAST WITH OTHER PROPERTIES IN THE ZONING DISTRICT.
	That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.
	(eignature)
	(type or print name) (type or print name)
	STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
	I HEREBY CERTIFY, this
	MR. JOSEPH J. BISHOP
	the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.
	AS WITNESS my hand and Notarial Seal. Motary Public Motary Public Motary Public
	My Commission Expires: (0/61/96)

EXAMPLE 3 - Zoning Description

- 3 copies

95-16-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

zoning description for 9 MALLOW CT.
Election District 11 (address) Councilmanic District 5
Beginning at a point on the (north, south, east or west)
MALLOW CT. which is 50 (number of feet of right-of way width)
wide at a distance of
centerline of the nearest improved intersecting street HAYCOKE RD. (name of street)
which is 50 wide. *Being Lot # 11 , unmber of feet of right-of-way width)
Block, Section # in the subdivision of
SHARONDALE EAST as recorded in Baltimore County Plat (name of subdivision)
Book # 55 , Folio # /27 , containing
14,867 SQ.FT. /.34/3 ACRES (square feet and acres)
TEM #16

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ____, Folio ____ " and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

WHICH STRUCK

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 95-16-A Tower, Maryland

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Posted for: VOYINNCP	***************************************
Petitioner: Joseph J-Bishop	~*********************************
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Remarks: 5194 changed to road - 24' x 441	5001
Posted by Signature	Date of return: 8/5/94
Number of Signs:	MICROFILMED





F. d. Surve County

Zoning Administration &

Development Management

111 West Chesopeake Avenue

Towson, Maryland 21204

receipt

Account: R-001-6150

Number 16

JOSEPH BISHOP

9 MALLOW COURT
BALTO, MD, 21236

010 - VARIANCE - \$5000 080 - 916N (1) Me - \$3500 TOTAL - \$8500

MICROFILMED

DEADS WOLDANT TINC

\$85,00

Please Make Checks Payable To: Baltimore County

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

August 1, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO:

Joseph J. Bishop

9 Mallow Court

Baltimore, Maryland 21236

Re:

CASE NUMBER: 95-16-A (Item 16)

9 Mallow Court

E/S Mallow Court, 350' S of c/l Haycoke Road 11th Election District - 5th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before July 31, 1994. The closing date (August 15, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jublon

Director

MICROFILMED



95-16-A to the Zoning Commissioner of Baltimore County

for the property located at

ESTIMATED POSTING DATE: 7-31-94

9 MALLOW COURT

which is presently zoned

DR.315

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1 - To penalt an accessory structure (explicit) to be located in the side yard in lieu of the required rest yard. ρ_{col}

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) (1) A WODDED AREA OF TREES TAKES UP APPROXIMATELY IS OF SPACE ON A HILL SLOPING DOWN TO A SWALE FROM PROPERTY LINE TOWARDS THE BACK OF DWELLING, (LEAVING NO ROOM FOR BUILDING ANYTHING.)

2) THERE IS A SWALE RUNNING THROUGH THE MIDDLE OF THE BACK YARD TOWARDS THE UTILITY STORM DRAIN LOCATED ON PROPERTY THAT CANNOT BE REGRADED OR BLOCKED OFF BY A SWIMMING POOL OR ANY OTHER STRUCTURE THAT WOULD BE GROUND LEVEL. (3) PROPERTY IS LOCATED IN A CULDESAC WITH THE HOUSE SITUATED ON A PECULIAR ANGLE COMPARED TO OTHER PROPERTIES IN THE ZONING DISTRICT. (4) THE MAJORITY OF SPACE ON OUR PROPERTY IS OFFICIALLY THE SIDE OF THE HOUSE WHICH APPEARS TO BE THE BACK

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:			Legal Owner(s):
			MR. JOSEPH J. BISHOP
(Type or Print Name)			(Type or Print Name)
Signature			Signature User Dishap
Address			(Type or Print Name)
			· **
City	State	Zipcode	Signature
Attorney for Petitioner:			9 MALLOW COURT (410)256-8107
(Type or Print Name)			Address MALLOW COURT (410)256-8107
			BALTIMORE, MD. 2/236 State Zipcode
Signature			Name, Address and phone number of representative to be contacted.
			MR. JOSEPH J. BISHOP
Address	Phone	No	Name MALLOW COURT (410)256-8107
City	State	Zipcode	Address WORK (301) 258-3834
A Public Hearing having been that the subject matter of this circulation throughout Baitim	s petition be set for a pub	lic hearing , advertised, a	red by the Zoning Commissioner of Battlmore County, this day of, 19, is required by the Zoning Regulations of Battlmore County, in two newspapers of general
			Zoning Commissioner of Baltimare County
REVIEWED BY: R.T.	DATE: 7-/9-94	<u> </u>	ITEM #: 16





111 West Chesapeake Avenue Towson, MD 21204

August 12, 1994

(410) 887-3353

Mr. Joseph J. Bishop 9 Mallow Court Baltimore, Maryland 21236

> RE: Item No. 16, Case No. 95-16-A Petitioner: Joseph J. Bishop Petition for Adminstrative Variance

Dear Mr. Bishop:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 19, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.





Zoning Plans Advisory Committe Comments August 12, 1994 Page 2

- Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.
- Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr. Zoning Coordinator

WCR: jw

Enclosures

O. James Lighthizer Secretary Hal Kassoff Administrator

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Baltimore County
Item No.: +16 (RT) Re:

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours Bob Small

DAUID W. RAMSEY, ACTING CHIEF John Contestabile, Chief

Engineering Access Permits

BS/

MCGOFILMED

My telephone number is .

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717 Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government Fire Department



Alrlay 8

700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

DATE: 07/29/94

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveye by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 15,16,17,18,19,21, 22,23 AND 24.

AUG 1 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, M3-1102F

oc: File

Printed

PUR TREAT WARMEN

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director

DATE: July 27, 1994

Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 9, 11, 16, 17, 18 and 22.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

The undersigned legal owner(s) of properties situated in Baltimore County next to, or surrounding the property #9 Mallow Court which is described in the description and plat attached hereto and made a part hereof, hereby endorse and understand the request of Joseph and Deborah Bishop for a zoning Variance at said property for the construction of an in-ground swimming pool.

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ITEM#16

TINA L. BARANOSKI Print Name	Uning Tappas
	rincivanie
Lina L. Baranoski Signature	Worm M. Tappa
	orginature
11 MALLOW CT Address	6 Mallow of
Address	Address IIO 21221
BALTO Mb 21236 City State Zip Code	Baltimal HD 21236 City State Zip Code
City State Zip Code	City J State Zip Code
TOSIPH DITTOL	Sharon Miller
Print Name	Print Name
Signature Signat	Har Shan When
Signature	Signature 1.1.2
12 mulleur It	4207 haycote rd Address
Address	Address
17 Mo. 270 d. 2/276	Bath MD 21236 City State Zip Code
City State Zip Code	City State Zip Code
Mich Ael Kotishion	Debra Johnson
Print Name	rinu ivaine
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Signature	Signature
Signature 16 MALL OW CT Address	4206 Haycoke
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Rout Who 21236. City State Zip Code	Batto MD 2/234 City State Zip Code
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The undersigned legal owner(s) of properties situated in Baltimore County next to, or surrounding the property #9 Mallow Court which is described in the description and plat attached hereto and made a part hereof, hereby endorse and understand the request of Joseph and Deborah Bishop for a zoning Variance at said property for the construction of an in-ground swimming pool.

Harold L. Dye Jr. Print Name Signature 8 Mallow Ct. Address Balto. MD 21236 City State Zip Code	THEODORE PAPPAS Print Name Discourse Papes Signature Le MALLOW CT Address BASTO MD 21236 City State Zip Code
Print Name Signature 3 Malloco CT. Address BACTO MD 21236 City State Zip Code	Norman J. Kall Print Name Manneur J. Tahl Signature 42/1 Harycoho Rd; Address Ball, Md, 2/236 City State Zip Code
Joyng Hel Joo Print Name Signature 5 mallow ct Address Balto md 2/236 City State Zip Code	ELIZABETH LEE Print Name Elizabeth dee Signature 7 MALLOW CT Address BALTO MD 2/236 City State Zip Code

Marchier in 1977

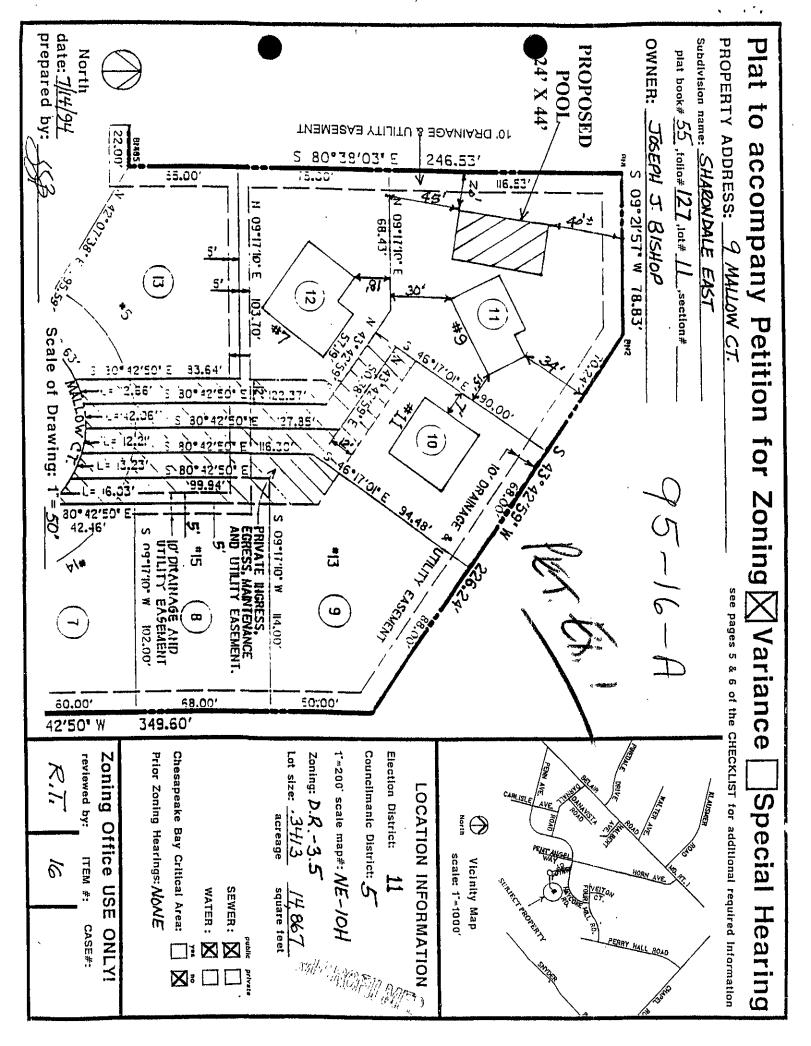
ITEM #16

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FRAIN ROSARIO Print Name Espain Rosario Signature 13 MALLOW CT. Address BALTO, MD. 2/236 City State Zip Code	Print Name Print Name Pat Davidson Signature 93/4 Rawblubrook Address Batto. Md. 2/236 City State Zip Code
Laurie Przybylski Print Name Raurie Przybylski Signature 15 Mallow Ct Address Balto, Md 21236 City State Zip Code	FRANK SARTORELLI Print Name Statoutto Stignature 9316 Ramble broak Ro Address Satto m. 2/236 City State Zip Code
Soe BEMINI Print Name Soe Benina Signature 9306 Rankblook RD Address BALTO MD 8/236 City State Zip Code	Print Name Print Name Signature 4 Mallow Ch. Address Balto MD 2/1236 City State Zip Code

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ITEM#16



95-16-A



Rear, S.E.



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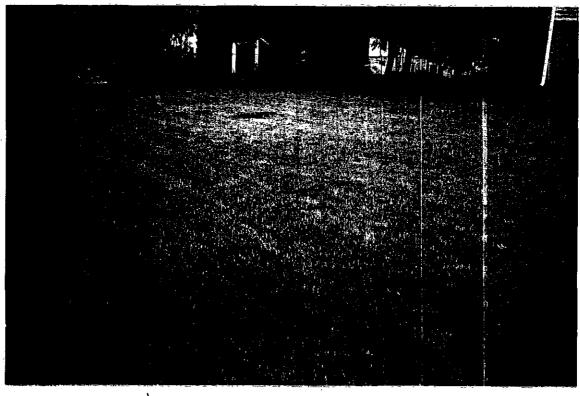


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2 mm C.H.M.m.c.H.	#8 -NE7h	(3) ALL AREAS FOUND BY PLA	ANIMETER, UNLESS OTHE	SWISE STATE
	TATA S	VERTICAL LETTERING DEN SLANT LETTERING DEN		10 20 N 2 1 Sec.
3	ITIONS #1 (EAST AND ADDRESS AN	NOTE:		

of for 200 scale map

ITEM# 160

NE10-H

